

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

E. BAYNE CAREW, MICHAEL STONE,
SCOTTIE DOLITTLE, and SCOTT HIPIKKA,

Plaintiffs,

CASE NO: 15-13027
HON. VICTORIA A. ROBERTS

v.

ENERTECH R.D., LLC,
and TIMOTHY POWELL,

Defendants

ORDER:

- 1. GRANTING APPLICATION FOR DEFAULT JUDGMENT AND PERMANENT INJUNCTION [ECF NO. 20];**
- 2. DISMISSING TIMOTHY POWELL FOR LACK OF PROSECUTION**

A member of Entertech, Owen Mascott, was served with a Summons, Complaint, and Motion for a Temporary Restraining Order on September 11, 2015. Owen Mascott, on behalf of Entertech, stipulated to the Temporary Restraining Order and time to file responsive pleadings. To date, Entertech has not filed responsive pleadings. Plaintiffs filed an Application for Default Judgment and Permanent Injunction.

A limited liability corporation, like other artificial entities such as corporations, partnerships, and associations, cannot represent itself in federal court. *Great Am. Ins., Co. v. M & D Transp. Servs., Inc.*, No. 15-087, 2015 WL 4038672, at *2 (S.D. Ohio June 30, 2015); *United States v. 9.19 Acres of Land, More or Less, in Marquette Cty., Mich.*,

416 F.2d 1244, 1245 (6th Cir. 1969).

“[A] default judgment is appropriate when a corporate defendant has failed to obtain counsel.” *State Farm Mut. Auto. Ins. Co. v. Edward L. Johnson, P.C.*, No. 11-13819, 2013 WL 2456006, at *1 (E.D. Mich. June 6, 2013).

Plaintiffs’ Application for Default Judgment and Permanent Injunction is **GRANTED** as to Entertech.

On April 12, 2016, the Court entered an order to Show Cause why both Defendants should not be dismissed for lack of prosecution. Plaintiffs failed to respond to the Order to Show Cause as to defendant Timothy Powell. Powell is **DISMISSED** without prejudice for lack of prosecution.

IT IS ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts
United States District Judge

Dated: June 14, 2016

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on June 14, 2016.

S/Carol A. Pinegar
Deputy Clerk